

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KIRK R. CHEEKS

No. 3:23-cv-00939-AR

Petitioner,

OPINION AND ORDER

v.

U.S. PAROLE COMMISSION,

Respondent.

BAGGIO, District Judge:

I. INTRODUCTION

On April 4, 2025, Magistrate Judge Jeff Armistead issued his Findings and Recommendation (“F&R”, ECF 13), recommending that the Court DENY Petitioner Kirk R. Cheek’s Petition for Habeas Corpus (“Habeas Corpus Petition”, ECF 1) and enter a judgment of dismissal. Petitioner did not file objections.

II. DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. §§ 636(b)(1)(B), (C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the

magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

III. CONCLUSION

Upon review, the Court agrees with Judge Armistead's recommendation and ADOPTS the F&R [13] in full. Petitioner Kirk R. Cheek's Petition for Habeas Corpus [1] is DENIED. Because Petitioner has not established a substantial showing of the denial of a constitutional right, the Court DENIES a certificate of appealability. *See* 28 U.S.C. 2253(c)(2).

IT IS SO ORDERED.

DATED this 30th day of April, 2025.



AMY M. BAGGIO
United States District Judge